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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARK YOUNG, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

SOLANA LABS, INC.;
THE SOLANA FOUNDATION;
ANATOLY YAKOVENKO; MULTICOIN
CAPITAL MANAGEMENT LLC; KYLE
SAMANI; and FALCONX LLC,

Defendants.

Case No. 3:22-cv-03912-JD

**PLAINTIFF'S NOTICE OF MOTION AND
MOTION FOR EXTENSION OF TIME TO
SERVE THE COMPLAINT**

HEARING DATE: November 10, 2022

TIME: 10:00 A.M.

COURTROOM: 11

HONORABLE JUDGE JAMES DONATO

1 **TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD, PLEASE**
 2 **TAKE NOTICE** that on November 10, 2022, at 10 a.m., or as soon thereafter as the matter may be
 3 heard in Courtroom 11 of the United States District Court for the Northern District of California, San
 4 Francisco Courthouse, 450 Golden Gate Avenue, 19th Floor, San Francisco, California 94102, before
 5 the Honorable James Donato, plaintiff Mark Young (“Plaintiff”) will and hereby respectfully gives
 6 NOTICE to all parties of this motion for an extension of time to serve the Complaint pursuant to Fed.
 7 R. Civ. P. 4 & 6.

8 Plaintiff hereby requests that the deadline to serve the Complaint be extended by ninety (90) days
 9 in order to complete service on Defendants The Solana Foundation, Anatoly Yakovenko, and Kyle
 10 Samani.

11 This Motion is based upon the instant Motion and Notice thereof, the Memorandum of Points
 12 and Authorities in support thereof, the Declaration of Sunny S. Sarkis (“Sarkis Decl.”), the Proposed
 13 Order granting the same, pleadings and other files herein, and such other written or oral arguments as
 14 may be permitted by the Court.

15 This is Plaintiffs’ first request for an extension of time in this case.

16 Dated: September 26, 2022

17 Respectfully submitted,

18 /s/ Sunny S. Sarkis

19 Todd M. Schneider (SBN 158253)

20 Jason H. Kim (SBN 220279)

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MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff filed the Complaint (Dkt. No. 1) in this action on July 1, 2022. Plaintiffs are required to complete service of process on all parties within ninety (90) days of the date of filing of the complaint, or by September 29, 2022.

I. BACKGROUND

This securities class action lawsuit arises from Movant’s complaint, filed with this Court on July 1, 2022, on behalf of purchasers of SOL tokens (“SOL”) between March 24, 2020 and the present, inclusive (the “Class Period”). This action brings claims pursuant to: (1) §§ 5, 12(a)(1), and 15 of the Securities Act of 1933 (the “Securities Act”); and (2) §§ 25110 and 25503 of the California Corporations Code.

The Complaint alleges that Solana Labs Inc., the Solana Foundation, and certain executives and other insiders promoted, offered, and sold hundreds of millions of dollars’ worth of SOL to the general public, yet neglected to register any SOL as securities in violation of federal and California law. The Complaint alleges that Defendants are therefore liable in their capacity as issuers, statutory sellers, and/or direct or indirect offerors of SOL.

Based on the foregoing facts, on July 1, 2022, Plaintiff Mark Young commenced this action against Defendants, asserting claims on behalf of himself and the proposed Class. Count I alleges claims for violations of §§ 5 and 12(a)(1) of the Securities Act, 15 U.S.C. §§ 77e, 77l(a)(1) for unlawful use of means or instruments of transportation or communication in interstate commerce or the mails for the purposes of offering, selling, or delivering of unregistered securities in direct violation of §§ 5(a) and 5(c) of the Securities Act. Count II alleges claims against individual defendants Anatoly Yakovenko and Kyle Samani under § 15 of the Securities Act, 15 U.S.C. § 77o for control person liability. Count III provides all Defendants violated §§ 25110 and 25503 of the California Corporations Code for the sale of unregistered securities.

On July 6, 2022, Roche Freedman and Schneider Wallace issued a press release informing investors and prospective plaintiffs of the pending action against Defendants. (*See* Dkt. No. 20-1.)

A. Plaintiffs’ Efforts to Effect Service

MOTION FOR EXTENSION OF TIME TO SERVE THE COMPLAINT

Case No. 3:22-cv-03912-JD

1 Plaintiff has worked diligently and in good faith to serve the Complaint on all parties. (Sarkis
2 Decl. ¶ 3). Plaintiff served Defendant Solana Labs, Inc. on July 27, 2022, Defendants Multicoin Capital
3 Management LLC on August 25, 2022 and Falconx LLC on August 4, 2022.

4 Despite the good faith efforts set forth herein, Plaintiff has been unable to effect service on
5 Defendants The Solana Foundation, Anatoly Yakovenko, and Kyle Samani. (Sarkis Decl. ¶ 4).

6 Plaintiff attempted service via a process server and searched public records to find address
7 information for Defendants, and has been successful in most, but not all, cases. (Sarkis Decl. ¶ 5).

8 *1. Service on Defendant The Solana Foundation*

9 The Solana Foundation is a non-profit foundation having a principal place of business is Zug,
10 Switzerland. Plaintiff's counsel has searched public records and made other good faith efforts to locate
11 address and contact information for Defendant The Solana Foundation without success.

12 *2. Service on Defendant Anatoly Yakovenko*

13 A process server tried to serve the Complaint at Anatoly Yakovenko's residence, but service was
14 not effectuated. Plaintiff's counsel has searched public records and made other good faith efforts to
15 locate address and contact information for Defendant Anatoly Yakovenko without success.

16 *3. Service on Defendant Kyle Samani*

17 A process server made numerous attempts to serve the Complaint at Kyle Samani's residence,
18 but service was not effectuated. Plaintiff's counsel has searched public records and made other good
19 faith efforts to locate address and contact information for Defendant Kyle Samani without success.

20 **B. Good Cause Exists for Granting Plaintiffs' Requested Extension**

21 Federal Rule of Civil Procedure 4(m) provides that the district court must extend time for
22 service upon a showing of good cause. *Aussieker v. Nelson*, No. 2:19-cv-0868 MCE DB PS, 2020 U.S.
23 Dist. LEXIS 31312, at *2-3 (E.D. Cal. Feb. 21, 2020). In *Aussieker*, the Court granted the plaintiff's
24 motion to extend the time for service. The Court noted that plaintiff's diligence in attempt to effect
25 service and had engaged a process server. *Id.* Here, Plaintiff has engaged a process server, and has
26 made reasonable, diligent and good faith efforts to serve process, with success in most cases.

1 A ninety (90) day extension is warranted here. In addition to continuing to search public
 2 records for contact information for Anatoly Yakovenko and Kyle Samani, Plaintiffs are hopeful that
 3 Counsel that will appear soon for Defendants Solana Labs, Inc., and Multicoine Capital Management
 4 LLC, will be able to facilitate contact with and service on Defendants The Solana Foundation, Anatoly
 5 Yakovenko and Kyle Samani, who as Anatoly Yakovenko is the CEO of Solana Labs, Inc. and a
 6 member of the Solana Foundation Council, and Kyle Samani is the Managing Partner of Multicoine
 7 Capital Management LLC.

8 Should Plaintiff's efforts to complete service be unsuccessful, Plaintiff may seek further relief,
 9 including potentially discovery to facilitate service and/or service by mail, email and publication, in
 10 accordance with the Court's rules.

11 CONCLUSION

12 For the foregoing reasons, good cause exists to grant Plaintiffs' requested extension of time of
 13 ninety (90) days to serve the Complaint on Defendants The Solana Foundation, Anatoly Yakovenko,
 14 and Kyle Samani.

15 Dated: September 26, 2022

16 Respectfully submitted,

17 /s/ Sunny S. Sarkis

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